

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

VLADIMIR V. PANCHENKO,

CV. 04-1730-JO

Petitioner,

ORDER

v.

ALBERTO GONZALES, ATTORNEY  
GENERAL OF THE UNITED STATES,  
AND MICHAEL CHERTOFF,  
SECRETARY, DEPARTMENT OF  
HOMELAND SECURITY, OFFICER IN  
CHARGE, PORTLAND DISTRICT  
DIRECTOR, IMMIGRATION AND  
CUSTOMS ENFORCEMENT, OR, ANY  
PERSON HAVING ACTUAL PHYSICAL  
CUSTODY OF PETITIONER,

Respondents.

JONES, District Judge.

This 28 U.S.C. § 2241 habeas corpus action comes before the court on respondents' Motion to Dismiss, or in the alternative, Motion to Transfer to the Ninth Circuit (#18). Both petitioner and respondents agree that pursuant to the amendments to 8 U.S.C. § 1252, also known as the Real ID Act of 2005, which became

effective on May 11, 2005, this court lacks jurisdiction to entertain petitioner's claims and should transfer this case to the Ninth Circuit Court of Appeals.<sup>1</sup> Accordingly, the Clerk of the Court is DIRECTED TO TRANSFER this case to the Ninth Circuit Court of Appeals for further proceedings on the basis that this court lacks jurisdiction. Petitioner's request for a stay of removal pending this court's transfer determination is DENIED on the basis that the court concluded that a transfer to the Ninth Circuit Court of Appeals is appropriate.

**CONCLUSION**

Respondents' Motion to Dismiss, or in the alternative, Motion to Transfer to the Ninth Circuit (#18) is GRANTED to the extent that the Clerk of the Court is DIRECTED TO TRANSFER this case to the Ninth Circuit Court of Appeals for further proceedings.

IT IS SO ORDERED.

DATED this 22nd day of July, 2005.

\_\_\_\_\_  
/s/ Robert E. Jones  
Robert E. Jones  
United States District Judge

---

<sup>1</sup> Respondents also ask the court to find that petitioner failed to exhaust his administrative remedies. As this court lacks jurisdiction over this case, it declines to address respondents' exhaustion argument.